

AMENDED IN ASSEMBLY AUGUST 30, 1999

AMENDED IN ASSEMBLY AUGUST 19, 1999

AMENDED IN SENATE JUNE 1, 1999

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 798

Introduced by Senator Burton

February 25, 1999

An act to amend Section 401 of, and to add Section 72.1 to, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 798, as amended, Burton. Highways: relinquishment: Route 101.

(1) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment.

This bill would relinquish to the City and County of San Francisco (city) a specified portion of State Highway Route 101 and would specify that the Department of Transportation retains jurisdiction over another specific portion of Route 101.

The bill would require the city to utilize any proceeds from the disposition or use of excess right-of-way for the purpose of designing, constructing, developing, and maintaining the

Octavia Street Project, as defined, until the city's share of the costs of that project are paid in full or funded from other sources. The bill would impose specific duties on the city and the department with regard to implementing the Central Freeway Replacement Project, as defined.

Because the bill would require the city to undertake certain duties with respect to the Central Freeway Replacement Project, the bill would impose a state-mandated local program.

The bill would require the department to follow certain procedures if an alternative to the Octavia Street Project is adopted by the voters in the general municipal election of November 1999.

The bill would set forth certain related legislative findings.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72.1 is added to the Streets and
2 Highways Code, to read:

3 72.1. (a) For purposes of this section, the following
4 terms have the following meanings:

5 (1) "Central Freeway Replacement Project" is the
6 department and city designated alternative
7 transportation system to the damaged Central Freeway.

8 (2) "City" is the City and County of San Francisco.

9 (3) "Freeway Project" includes demolition of the
10 existing commonly known Central Freeway,
11 construction of a new freeway between Mission Street
12 and Market Street, and construction of ramps to, and
13 from, the new freeway.

1 (4) “Octavia Street Project” is the improvement of
2 Octavia Street from Market Street north as a ground level
3 boulevard.

4 (b) The Legislature finds and declares all of the
5 following:

6 (1) That portion of Route 101 located in the city and
7 commonly known as the Central Freeway was severely
8 damaged in the 1989 Loma Prieta earthquake. This
9 damage to the Central Freeway caused and continues to
10 cause significant traffic congestion.

11 (2) Following the Loma Prieta earthquake, the
12 department and the city, with substantial public
13 involvement, selected the Central Freeway
14 Replacement Project as an alternative transportation
15 system to the damaged Central Freeway in accordance
16 with the requirements of Section 401.1. The Central
17 Freeway Replacement Project includes the Freeway
18 Project consisting of the demolition of the existing
19 Central Freeway, construction of a new freeway between
20 Mission Street and Market Street, and the construction of
21 ramps to, and from, the new freeway, and the Octavia
22 Street Project, consisting of improvement of Octavia
23 Street from Market Street north as a ground level
24 boulevard. The Central Freeway Replacement Project
25 will remediate traffic congestion problems and allow the
26 city to reclaim unnecessary rights-of-way for beneficial
27 public uses.

28 (3) The implementation of an alternative
29 transportation system is in the best interests of the people
30 of the State of California.

31 (4) No portions of Route 101 north of Fell Street and
32 south of Turk Street are needed for the Central Freeway
33 Replacement Project or for the proposed alternative
34 project to be placed before the voters as ~~an initiative~~
35 ~~measure~~ *Proposition J* in the general municipal election
36 of November 1999.

37 (c) (1) The Legislature recognizes that the ~~proposed~~
38 Central Freeway Replacement Project ~~alternative~~
39 adopted by the city’s voters, as local measure Proposition
40 ~~E in November 1998, substantially conforms with an~~

1 ~~existing environmental assessment, and qualifies~~ *E in*
2 *November 1998 qualifies* for the statutory exemption
3 under Section 180.2.

4 (2) *The Legislature further recognizes that the*
5 *proposed alternative project included in Proposition J*
6 *also qualifies for the statutory exemption under Section*
7 *180.2.*

8 (3) Notwithstanding paragraph (1), any development
9 of property transferred to the city pursuant to this section
10 may, to the extent required by applicable law, require
11 subsequent environmental analysis by the city at the time
12 at which the specific proposals for the use of that property
13 are developed.

14 (d) That portion of Route 101 between Market Street
15 and Turk Street is not a state highway, except that if the
16 proposed alternative to the Octavia Street Project is
17 approved by the voters in the general municipal election
18 of November 1999, only that portion of Route 101
19 between Fell Street and Turk Street is not a state
20 highway.

21 (e) The department shall retain jurisdiction over the
22 portion of Route 101 that is between Mission Street and
23 either Market Street or Fell Street, depending on which
24 project is ~~constructed~~ *approved by the voters in the*
25 *general municipal election of November 1999*, and shall
26 promptly transfer to the city any portion of Route 101 that
27 is not a state highway under subdivision (d).

28 (f) The following shall apply if the voters do not
29 approve the alternative project in the general municipal
30 election of November 1999:

31 (1) The city shall utilize any proceeds from the
32 disposition or use of excess rights-of-way for the purpose
33 of designing, constructing, developing, and maintaining
34 the Octavia Street Project until the city's share of the
35 costs of that project are paid in full or funded from other
36 sources. Upon the full funding of the city's share of the
37 Octavia Street Project, the city shall utilize any remaining
38 proceeds from the sale of excess rights-of-way solely for
39 the transportation and related purposes authorized
40 under Article XIX of the California Constitution.

1 (2) Upon notification to the department by the San
2 Francisco County Transportation Authority that the city
3 is prepared to implement an interim traffic management
4 plan, the department shall proceed expeditiously with
5 demolition of the portion of Route 101 between Fell and
6 Mission Streets. The department shall design and
7 construct the Freeway Project, and the city shall design
8 and construct the Octavia Street Project, and each
9 project shall be consistent with the Central Freeway
10 Replacement Project.

11 SEC. 2. Section 401 of the Streets and Highways Code
12 is amended to read:

13 401. Route 101 is from:

14 (a) Route 5 near Seventh Street in Los Angeles to
15 Route 1, Funston approach, and, subject to Section 72.1,
16 the approach to the Golden Gate Bridge in the Presidio
17 of San Francisco via Santa Barbara, San Luis Obispo, and
18 Salinas.

19 (b) A point in Marin County opposite San Francisco to
20 the Oregon state line via Crescent City.

21 SEC. 3. No reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because the only costs that may be incurred
24 by a local agency or school district are the result of a
25 program for which legislative authority was requested by
26 that local agency or school district, within the meaning of
27 Section 17556 of the Government Code and Section 6 of
28 Article XIII B of the California Constitution.